

REMEDIAL LEGISLATION

Recommended
by

The Provincial Mining
Association of
British Columbia.

1903.



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PART I.

Resolutions of the Convention at Victoria.

(See Printed Proceedings, page 551.)

(Proceedings, page 551.)

1.—That the Government and Legislature of the Province of British Columbia be respectfully urged to abolish the so-called two per cent. mineral tax upon the output of mines, because of its injurious effect in depressing mining, and because of its effect in discouraging the investment of outside capital.

TIMBER DUES, MINERAL CLAIMS.

(Page 560, Proceedings.)

2.—That the collection by the Government of dues in respect of timber and cordwood used by the owner upon his own mines and mineral claims for mining purposes should be discontinued.

MINE SIGNALS.

(Page 563, Proceedings.)

3.—That the Government be urged to immediately obtain all necessary information and advice from both miners and mine owners to amend the code of mine signals so as to make it as perfect as possible.

DELINQUENT CROWN GRANTED CLAIMS.

(Page 563, Proceedings.)

4.—Resolved that owners of Crown granted mineral claims sold for taxes should have the same right of redemption for six months as is accorded to all other owners of Crown granted or other lands sold for taxes. (Complied with already by the Legislature.)

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F. M. C. AND FORFEITURE.

(Page 563, Proceedings.)

5.—Resolved that it is the opinion of this Convention that the law relating to free miners' certificates should be amended so that failure to keep up a free miner's certificate shall not work forfeiture of rights acquired under it.

TAXES ON MINERAL CLAIMS.

(Page 564, Proceedings.)

6.—Resolved that for the purposes of taxation Crown granted mineral claims should be placed in the same position as other mineral claims and that the exemption from the tax imposed by section 145 of the Mineral Act should be extended to all groups of Crown granted claims upon any one of which claims the assessment work for the whole group may have been performed. (Complied with already by the Legislature.)

FEE FOR CROWN GRANTING CLAIMS.

(Page 567, Proceedings.)

7.—Resolved that in the opinion of this Convention the Government fee for Crown grant of a mineral claim when such grant is applied for by the locator or prospector, should be reduced from \$25 to \$10.

BOILER INSPECTION.

(Page 575, Proceedings.)

8.—In view of the fact that there is much dissatisfaction amongst the owners of steam boilers as to the provisions of the Boiler Inspection Act, which is claimed to cause unnecessary hardship, and since a large number of these boilers are in use at the present time, the Government and Legislature of British Columbia are requested to investigate this Act with a view of improving its operation, and that to this end they invite the views and opinions of those who own and operate boiler plants.

CROWN GRANTS OF PLACER CLAIMS.

(Page 584, Proceedings.)

9.—That this Convention favors legislation that will give Crown granted titles to placer claims for which leases are now given and for placer claims which require grouping and large expenditures to make them productive; provided, however, that no Crown grants shall be obtainable until reasonable expenditures for permanent improve-

ments shall have been made; and provided, also, that, among other safeguards, restrictions should be imposed protecting the shallow placer miner; and provided, also, that additional taxation of Crown granted claims in years in which they are not reasonably worked should be imposed; and that in preparing new legislation upon the above lines the Government and Legislature are respectfully requested to give serious consideration to the recommendations contained in the above mentioned report of the Placer Mines Committee.

INDIAN RESERVES.

(Page 593, Proceedings.)

10.—That this Convention respectfully urges upon the Dominion and Provincial Governments the desirability of opening Indian Reserves in British Columbia for mining purposes, and that copies of this resolution be forwarded to both Governments and the Senators and Members of the Federal Parliament from British Columbia.

CONSOLIDATION OF MINERAL AND PLACER ACTS.

(Page 600, Proceedings.)

11.—That in view of the ambiguity of many of the clauses of the Mineral and Placer Acts, the Government be asked to revise and consolidate these Acts and place them in as clear and concise language as possible, so as to make them more intelligible, and it is hoped that they will consult with the Executive Committee of this Association on this matter.

PART II.

Special Resolutions of Executive Committee.

FEEES FOR INCORPORATING COMPANIES.

12.—Resolved that the Government and Legislature of British Columbia be respectfully requested to amend and modify the tariff fees chargeable on the incorporation, registration or licensing of Companies, and for Companies' Free Miners' Certificates, in order to encourage the formation of Companies having among their objects the development of the natural products of this Province.

GOVERNMENT EXPENDITURE ON ROADS, TRAILS AND BRIDGES.

13.—That this Association emphatically condemns the practice now in vogue of permitting appropriations for roads, trails and bridges to be under the patronage of the members of the various Districts, and recommends that all such appropriations be submitted to the approval of the Government Agents in the various districts, who will always be subject to criticism in the Legislature.

POWERS OF ATTORNEY REQUIRED OF COMPANIES.

14.—Resolved that the Government be urged to repeal all of Clause D of Section 127 after the word "Notices," in the seventh line of the said section, and all of Clause D in Section 133 after the word "Notices," in the seventh line, of the Companies Act of 1897, Chapter 44; and all of Section 140.

RETROSPECTIVE TAXES ON CROWN GRANTED CLAIMS.

15.—Whereas under the provisions of the Assessment Act Amendment Act, 1903, a tax of 25 cents for every acre, and fractional part of an acre of land conveyed by a Crown grant of a mineral claim is directed to be levied, payable on the 30th day of June immediately after the date of the Crown grant and thereafter on the 30th day of June in each year:

And whereas under the terms of this Statute taxes for a whole year at the rate aforesaid are leviable and must be paid, even in cases where the Crown grant has issued only a day or two before the said 30th day of June in any year and without taking into account the assessment work (or fees in lieu thereof) performed or paid:

And whereas the said provision inflicts a great hardship upon prospectors and others interested in the development of mineral claims and in obtaining title thereto:

Therefore, be it resolved that the said Statute ought to be so amended as to make the said tax apportionable, and that no person should be taxed for any period of time prior to the date of the Crown grant.

BOILER INSPECTION.

16.—Resolved that the dissatisfaction experienced by the owners and operators of boilers by reason of the provisions of the Boilers Inspection Act render it highly advisable that the working of the said Act should be promptly enquired into by the Government, so as to provide full information to be laid before the Legislature at its next Session, in accordance with the recommendation of this Association at its convention in February last.

PROVINCIAL COAL LANDS.

17.—Resolved that the Executive of the Provincial Mining Association of British Columbia urge such Government as may be in power after the pending Provincial elections to formulate without delay a policy for the opening up and development of all Coal lands:

And further resolved that this Executive suggests that, with respect to Coal lands in South-East Kootenay (not affected by any valid existing legal claim or right of any person or company), the Government retain the title to

all such, and develop the coal measures therein contained by a system of leasing to actual operators: such leases to contain stringent conditions for proper equipment, development and continuous operation, and for the full protection of the British Columbia consumers of coal and coke as to supply and price.

And further resolved that the policy above suggested be extended to all coal and petroleum lands of the Province.

AMENDMENT OF SECTION 9 OF MINERAL ACT.

18.—That whereas under Section 9 of the Mineral Act it is provided, among other things, that "subject to the proviso hereinafter stated, no person or joint stock company shall be recognized as having any right or interest in or to any mineral claim or . . . water right . . . unless he or it shall have a Free Miner's Certificate unexpired. And that on the expiration of a Free Miner's Certificate the owner thereof shall absolutely forfeit all his rights and interests in or to any mineral claim . . . and water right which may be held or claimed by such owner of such expired Free Miner's Certificate, unless such owner shall, on or before the day following the expiration of such Certificate, obtain a new Free Miner's Certificate:

Provided that this section shall not apply to mineral claims for which a Crown grant has been issued:"

And whereas the above proviso fails to clearly protect the owners of water rights on Crown granted mineral claims, without the necessity of keeping up a Free Miner's Certificate, which, in the case of a company, costs \$100.00 per year:

And whereas the said proviso ought to be amended so as to protect the said water rights on Crown granted mineral claims, as well as the mineral claim itself:

Be it resolved by the Executive Committee of the Provincial Mining Association of British Columbia, assembled at Rossland by special call of the President, that the said proviso in Section 9 of the Mineral Act ought to be amended by adding thereto the words: "Nor to any water rights or record, mining ditch, drain, tunnel or flume, held or used or intended to be held or used upon or in connection with the development of any such claim.

PROVINCIAL FINANCES—TAXATION OF LAND, ETC.

19.—In view of the embarrassed state of the finances of the Province, and the objections which have been raised

upon this ground towards measures for the relief of the mining industry, and the fact that all demands for such relief during the past two years have been met by a counter-demand on the part of the Government then in power for a substitute whereby the revenues of the Province would not suffer loss:

Be it therefore resolved that this Association desires to re-assert that it has no wish that the mining industry be relieved at the expense of other industries, but, on the contrary is now, and has always been, ready to pay its fair and equitable share of the taxation necessary for the economical and businesslike conduct of Provincial affairs.

In the opinion of this Association, natural resources of the Province, and not industry, should bear the chief burden of taxation. The enormous areas of valuable land now held under a taxation which is practically insignificant should be made to pay its proper share of the burden, and thus relieve industry.

The Association therefore respectfully recommends to the Government the advisability of enquiring into and adopting the Australasian or some other equitable and uniform system of taxation on land, including mining lands, that will tend to increase the revenue, foster the settlement of the lands of the Province, and encourage the development of its great mineral and other resources.

In view of the vast areas of land held in this Province, it is believed that the revenues from such a system of taxation will more than meet the annual deficit of the Province, and will enable it to materially relieve the mining industry.

BUREAU OF MINES.

20.—Whereas there has long been an increasing dissatisfaction with the relation of the Provincial Bureau of Mines to the mining industry, the complaints most prevalent being to the effect that the conditions and resources of various districts have not been fairly or properly presented, and that all efforts made hitherto by mining men towards the betterment of mining conditions have met with opposition instead of assistance from this office, and that moreover, it is complained that the work of the Bureau has apparently been restricted to the collection of statistics, while the industry has not received that assistance in the way of expert scientific study and reports on mineral districts which was expected from the office, and which

was the main object of its creation, as set out in Section 7 of the Bureau of Mines Act, 1897:

And whereas it appears to this Association that the co-operation which should exist between the Bureau and the mining community is now entirely wanting, and that the main object of its creation has been thus defeated:

Be it therefore resolved that, in the opinion of this Association, a radical change should be effected in the constitution and conduct of the said Bureau.

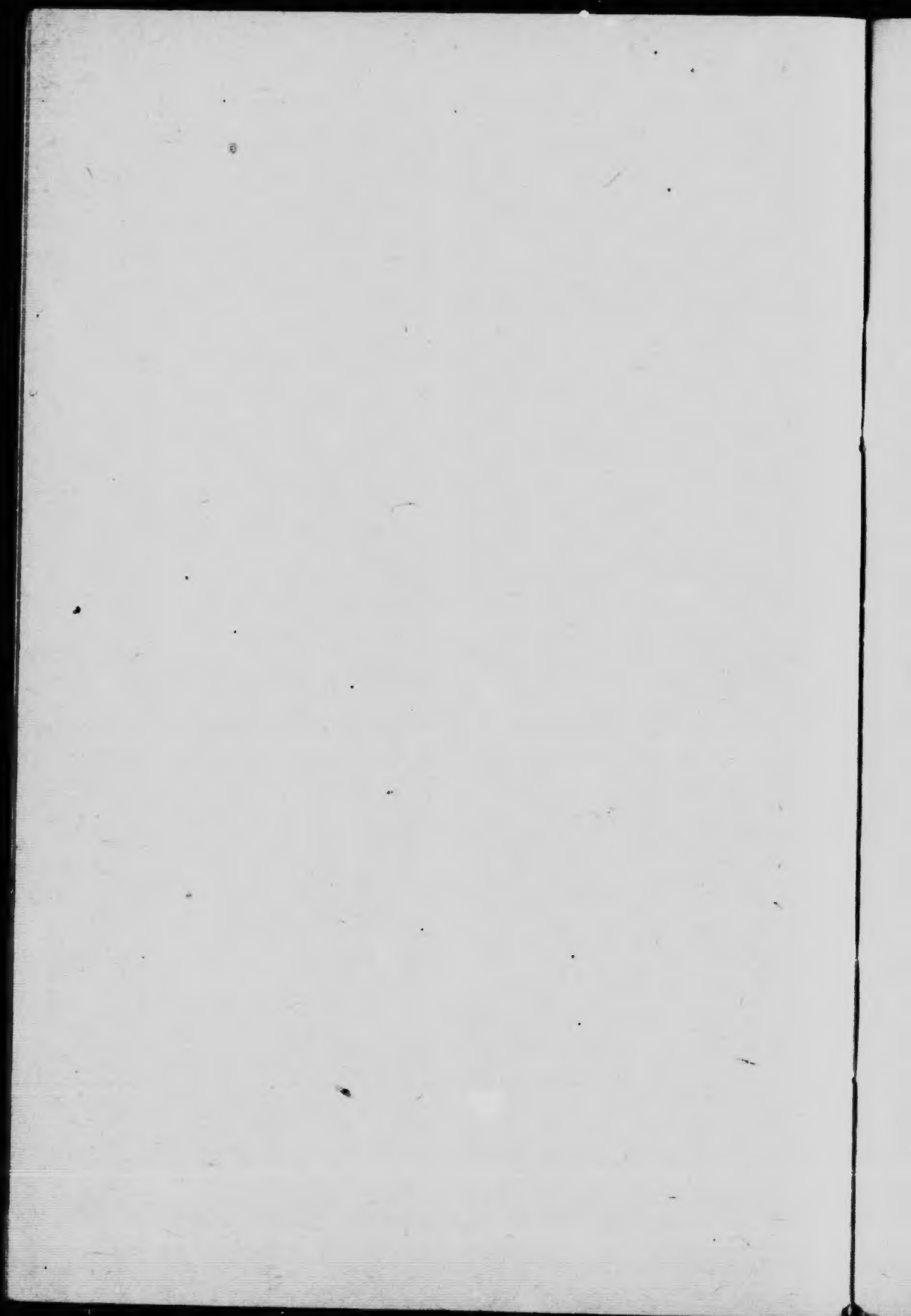
WATER CLAUSES ACT.

21.—That whereas the Water Clauses Consolidation Act, 1897 (R. S. B. C. Chap 190) has been found to be ambiguous, defective, and inequitable in many respects, and requires amendment speedily in the following particulars:

- (a.) To remove the ambiguity created by the definition of "unrecorded water" in Section 2, when read in connection with Section 18:
- (b.) To repeal Section 11, Sub-section 2 (b), when the applicant is the owner of a Crown granted mineral claim and the water is to be used to develop such claim:
- (c.) To require applicants for water to advertise their application in some local newspaper in addition to posting the notices required by the Act:
- (d.) To abolish the existing dual jurisdiction conferred upon Gold Commissioners and Assistant Land Commissioners, and to vest the sole jurisdiction in the Gold Commissioner of each district:
- (e.) To provide for payment of the costs of the successful party or parties in disputed cases, by the unsuccessful party or parties:
- (f.) A provision enabling the prospector, mineral or placer miner to secure the quantity of water required to operate his mineral or placer claim by simply recording the same, instead of being compelled to pay the high rates now charged for water privileges, which charges are entirely beyond his means; and he shall be entitled to hold said water means.
- (g.) To amend the provisions of the Act relating to power companies so as to remove several doubts

which exist under the existing provisions of the Act:

Be it therefore resolved by the Executive Committee of the Provincial Mining Association of British Columbia, that the said Water Clauses Consolidation Act, 1897, and amending Acts, require careful revision and amendment, and that the said Act ought to be promptly amended in the particulars above set forth.



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